Arbitration Services

Providing Voluntary Alternatives to Litigation

Does your collective bargaining agreement provide for arbitration or fact-finding?

What Is Arbitration?

Arbitration is a simple proceeding voluntarily chosen by the parties who want a dispute determined by an impartial (neutral) arbitrator of their mutual selection, whose decision, based on the merits of the case, they agree in advance to accept as final and binding. It is the generally accepted means of conflict resolution between an employer and a labor organization during the term of a contract, enabling disagreements over contract interpretation or application to be settled in a less formal setting than time-consuming and costly courtroom litigation. The third-party neutrals selected to hear and decide these cases are arbitrators.

Who Are FMCS Arbitrators and How Are They Selected?

The Federal Mediation and Conciliation Service (FMCS) maintains a roster of approximately 1,000 arbitrators, who are experienced practitioners with backgrounds in collective bargaining and who meet FMCS arbitrator requirements. To be listed on the roster, FMCS will determine whether the applicant:

♦ Is experienced, competent and acceptable in decision-making roles in the resolution of labor relations disputes; or

♦ Has extensive and recent experience in relevant positions in collective bargaining; and

♦ Is capable of conducting an orderly hearing, can analyze testimony and exhibits and can prepare clear and concise findings and awards within reasonable time limits.

The qualifications are preferably demonstrated by the submission of five recent labor arbitration awards while serving as an impartial arbitrator of record chosen by the parties to labor relations disputes arising under collective bargaining agreements, or the successful completion of the FMCS labor arbitrator training course within the five years immediately preceding the date of application plus two awards. All arbitrators must agree to refrain from advocacy roles related to labor relations, including representing employers, unions or individuals.

Listing on the roster is by the decision of the director of FMCS, based upon the recommendation of the Arbitrator Review Board.

How Do I Secure an Arbitrator?

You may request an arbitration panel of up to 15 names online via our website for a cost of $30. You may also download FMCS Form R-43 and email (or, if email is not practical mail or fax) your request to the Arbitration Office for processing at a cost of $50. A panel consists of a chosen number of arbitrators who can be selected based on geographical location, professional affiliation, or experience within an industry or other criteria. When panels are requested, both parties are issued biographical sketches of arbitrators that include their fee schedules. Once the parties have made their selection and notified FMCS, an official appointment is made by FMCS.

How Fast Is a Panel Issued?

Panels requested online via our website are emailed within 10 minutes after the request is completed. If the request is processed by the Arbitration Services staff, your panel will be sent to you within five days of receipt of your request. Once you select the arbitrator from the panel, the arbitrator is required to contact you within 14 days to arrange a hearing date, time, and place.

How Soon Can I Get a Decision?

FMCS rules require the arbitrator to issue the award no later than 60 days from the date of the closing of the record as determined by the arbitrator, unless otherwise agreed upon by the parties or specified by the collective bargaining agreement or law. Please contact the director of Arbitration at 202-606-5111 **as soon as the award becomes overdue**.

For More Information

To read all FMCS Arbitration Policies and Procedures, visit www.fmcs.gov, where all Agency rules and regulations are published. If you wish to speak to the director of Arbitration, please call 202-606-5111.

"Arbitration is the generally accepted means of resolving contractual disputes. We maintain a roster of 1,000 private arbitrators with executive experience in collective bargaining."